

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA, :

-against- :

ALBERTO WILLIAM VILAR and :
GARY ALAN TANAKA, :

Defendants.

**O5 Cr. 621 (KRK)
(ECF CASE)**

NOTICE OF MOTION

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PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, and all prior papers and proceedings, defendant ALBERTO WILLIAM VILAR will move this Court, as soon as counsel may be heard, at the United States District Courthouse located at 500 Pearl Street, New York, New York, for an order (1) compelling the government to disclose information and documents, pursuant to *Brady v. Maryland*, relevant to the question whether evidence was obtained through exploitation of documents that were unlawfully seized (as more fully specified in the accompanying memorandum); (2) permitting Vilar to supplement the present motion following review of the disclosed information and documents; (3) conducting a pre-trial hearing to determine whether evidence that was unlawfully seized on May 26, 2005, tainted subsequently-acquired evidence; (4) suppressing the tainted evidence derived from the unlawful seizure; (5) granting relief requested in the motions submitted by co-defendant Gary Alan Tanaka, in

which we join to the extent that they are applicable to Vilar; and (6) granting such other and further relief as the Court may deem just and proper.

/s/
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